

Attorney Docket No. 20876.01

Customer No. 37833

Confirmation No. 5725

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT: JOSEPH OSTROWSKI et al.

APPL. NO. : 10/665,217

ART UNIT : **3618**

FILED

: **SEPTEMBER 22, 2003**

EXAMINER: G. KLEBE

FOR

: BAGGAGE SCOOTER

MAIL STOP *RESPONSE*COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In the Office action dated August 24, 2004, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention as identified by the Examiner are as follows:

Species I: Figures 1-8.

Species II: Figures 9-11.

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In compliance with the Examiner's requirement, Applicants provisionally elect with traverse for

further prosecution the embodiment shown in Figs. 9-11 (designated herein as "Species II"). Claims 1-9,

11-13 and 17-20 are considered to be readable on the elected species. Claim 1 is generic.

Notwithstanding the propriety of the election requirement for examination purposes, Applicants

contend that they should be entitled to a consideration of a reasonable number of related embodiments

falling within the scope of a generic inventive concept. Moreover, it would appear that a search and

examination of the entire application could be accomplished without a serious burden on the Examiner

since the multiple embodiments identified of record would seemingly encompass a common field of

search.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and

issue an action on the merits of both embodiments presently in the case. Alternatively, should the

Examiner maintain the requirement and make it final, Applicants await a complete action on the merits of

the elected subject matter.

Respectfully submitted,

Dolph H. Torrence

Registration No. 34,501

(703) 486-1000

RCL:DHT

OFFICES, LTD.
P.O. BOX 15035
ARLINGTON, VA 22215

(703) 486-1000

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